

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

No claims are currently being cancelled.

Claims 14 and 26 are currently being amended, whereby these amendments are grammatical in nature and do not affect the scope of these claims.

No claims are currently being added.

This amendment amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 14-23, 25 and 26 remain pending in this application.

**Objection to Claim 14:**

In the Office Action, claim 14 was objected to because of a minor informality on line 10 of that claim. By way of this amendment and reply, that informality, as well as a minor informality found in claim 26 have been corrected.

**Claim Rejections – Prior Art:**

In the Office Action, claims 14-15, 19-23, 25 and 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,418,324 to Doviak; claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Doviak in view of U.S. Patent No. 5,729,531 to Raith; and claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Doviak in view of U.S. Patent No. 6,370,394 to Anttila. These rejections are traversed for the reasons given below.

As described in col. 34, lines 56-58 of Doviak, the Router Core 204 of the Router 200 can select the current network and the next network according to the user configurable parameters defined in the User Configuration block 208. However, this is clearly not an operation to be carried out within the claimed radio portable terminal device (mobile device). Thus, Doviak fails to disclose or suggest that the mobile device itself determines whether a

prescribed condition regarding communication cost is satisfied or not, as explicitly required for the claimed packet transfer processing unit.

In addition, the Office Action also incorrectly identifies another part of the claimed radio portable terminal device with Doviak's mobile data controller 54 and the host data controller 22 shown in Fig. 2 and described in columns 12 and 13 of Doviak, which is apparently a distinct entity from the mobile device 52, and therefore this interpretation itself is also self-contradictory.

More specifically, in Doviak, the mobile data controller 54 sends data from the mobile device 52 to the remote network controller 20 via the radio infrastructure 56, and the host data controller 22 sends data from the radio infrastructure 56 to the mobile data controller 54. Doviak fails to disclose or suggest that the mobile device itself transfers data packets containing data to be transmitted to the correspondent, not directly to the correspondent, but to another computer such that the data are transmitted to the correspondent device from this another computer, when the mobile device itself determines that the prescribed condition regarding communication cost is satisfied, as explicitly required for the claimed packet transfer processing unit.

Thus, Doviak cannot anticipate claim 14.

The same argument also holds for the dependent claims 15-20 as well as the corresponding independent method claim 25.

Next, regarding claim 21, the Office Action incorrectly identifies the claimed control unit with Doviak's configuration and health module 124. However, according to column 27, lines 23-34 of Doviak, the configuration and health module 124 only accepts configuration information from the remote network controller 20 via the radio infrastructure 56, and monitors and determines if the RF communications module 126 has successfully transmitted a packet to the host data controller 22.

Doviak fails to disclose or suggest that the gateway device itself judges whether a specified condition which is specified to the gateway device from the radio portable terminal device is satisfied by non-voice data to be transferred to the radio portable terminal device, as explicitly required for the claimed control unit. Doviak also fails to disclose or suggest that the gateway device itself controls the transfer of the non-voice data to another computer, without directly transferring the non-voice data to the radio portable terminal device, when

the specified condition is satisfied, as explicitly required for the claimed control unit. Note that Doviak's configuration and health module 124 does not even distinguish between the voice data and the non-voice data.

Thus, Doviak cannot anticipate claim 21.

The same argument also holds for the dependent claims 22-23 as well as the corresponding independent method claim 26.

It is noted that neither Raith nor Antilla rectifies the above-mentioned deficiencies of Doviak.

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By Phillip J. Articola

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

Richard L. Schwaab  
Registration No. 25,479  
  
Phillip J. Articola  
Registration No. 38,819